

1 Q Now your Exhibit 3, and I believe your testimony  
2 indicated that the station has never employed any hispanics.  
3 Have you ever interviewed any hispanic applicant for a job to  
4 your knowledge?

5 A That's not true. We have hired an hispanic. The  
6 time frame would have been after this license renewal, after  
7 1991.

8 Q Okay. Well, we're just, we're just -- I'm sorry. I  
9 should have -- you're right. I should have defined my  
10 question to the license renewal period, '84 to '91.

11 A No, we have not --

12 Q During that period did you interview? I know you  
13 didn't hire anyone.

14 A No, we did not interview any hispanics.

15 Q Now during the period, the renewal period, '84,  
16 August 1, '84 to July 31, '91, that 7-year renewal period, has  
17 there ever been a minority manager or department head at WBZZ?

18 A No.

19 (Pause.)

20 Q Now during this same renewal period, has there ever  
21 been a minority announcer, a professional at WBZZ?

22 A Yes.

23 Q And who was that?

24 A Troy Garrett.

25 Q And does Mr. Garrett work -- was Mr. Garrett

1 employed there when you came to the station, or did you hire  
2 him or did you recall --

3 A No, I hired Mr. Garrett.

4 Q You recall --

5 A Program director and myself hired Mr. Garrett.

6 Q Do you recall when that was?

7 A Yes. It was in 1984.

8 Q And is he still, Mr. Garrett still employed at the  
9 station?

10 A Yes, he is.

11 Q And does he have an air shift?

12 A Yes, he does.

13 Q And when is that air shift?

14 A Currently it's midnight until 5:30. But that has  
15 changed during the license renewal period.

16 Q Well, what, what other shifts did he work during the  
17 license period?

18 A He worked 10 p.m. to 2 a.m. the majority of the  
19 time. And he also worked 7 until midnight during that period,  
20 1984 through 1991.

21 Q But Mr. Garrett's never worked drive time, you know,  
22 morning or afternoon at the station?

23 A He has, but just not, you know, on a full-time  
24 capacity. He's done fill-in. And he also did middays on the  
25 radio station. Excuse me. He did middays.

1           Q     My question is the drive time. If he did drive  
2 time, it was as a --

3           A     When somebody was on vacation or somebody was sick,  
4 yes.

5           Q     Thank you. Now during the license renewal period,  
6 has WBZZ employed any full-time women announcers?

7           A     Yes.

8           Q     And who was that, and when would that have been?

9           A     It would fall under news as a full-time announcer  
10 and a news director. We have had Liz Randolph, Chris Shire  
11 and Shelley Duffy.

12          Q     Okay. Other than those, have there been any full-  
13 time women announcers --

14          A     No.

15          Q     -- on the station?

16          A     No.

17          Q     Now during your, during the license renewal period,  
18 have you had occasion to hire a number of full-time announcers  
19 apart from news on the station for the station?

20          A     Yes.

21          Q     Could you give us some estimate of approximately how  
22 many such non-news announcers you've hired during the renewal  
23 period?

24          A     No, but it really hasn't been that many. Because  
25 most of the people have tenure with the radio station.

1 Q Well, approximately how many has it been?

2 A Oh, I, I couldn't give you an exact count. But in a  
3 10-year period of time, this is a guess, maybe 8 or 9 or 10.

4 Q But of those hires, 8 or 9 or 10 during the renewal  
5 period for full-time announcing jobs other than news, none  
6 were women, correct?

7 A Correct.

8 (Pause.)

9 Q Do you know during the license renewal period  
10 whether, and again with regard to non-news, were any, were  
11 there any women job applicants for full-time announcing jobs  
12 that were interviewed by the station?

13 A Yes.

14 Q There were?

15 A Yes.

16 (Pause.)

17 Q Now I wonder if you would turn to Allegheny Exhibit  
18 21. That's the, your -- that's the most recent one submitted,  
19 statistics submitted. That is your annual employment report  
20 for WBZZ for 1991. Do you have that, Mr. Meyer? This would  
21 be the last one in the stack. It's Allegheny Exhibit 21.  
22 It's the year report for 1991.

23 A Yes, I have it.

24 Q Thank you. Now if you would turn to page 2 of the  
25 report. Under the category at the top under officials and

1 managers, the first category there. And under the women or  
2 female category, do you see that?

3 A Yes.

4 Q And you have listed five persons there. Is that  
5 correct?

6 A Correct.

7 Q And could you identify those five persons and what  
8 their jobs and duties are?

9 A Sure. I'll be as accurate as I possibly can. Would  
10 be Mary Ann Pace, business manager. Shelley Duffy, news  
11 director. I'm, I'm going to say Sandy Chambers, but without  
12 an employment record in front of me, I believe Sandy Chambers  
13 was there 2 years ago as the traffic manager. Let's see. A  
14 couple of these years come together. I'm going to say Ginny  
15 Schoggins --

16 Q Well, I'm more interested in the positions than the  
17 names actually.

18 A Okay. Okay. News director, business manager,  
19 traffic director, and I am drawing a blank on who the other  
20 two would be without some kind of formal reference in front of  
21 me.

22 Q But would it be program director?

23 A No.

24 Q Have you ever had a -- during your, during the  
25 license renewal period, have you ever had a woman who served

1 as program director?

2 A No.

3 Q So it wouldn't be program --

4 A No, it would not be program director. It could have  
5 been sales manager. It's a cross area right there, so we've  
6 had three women sales managers.

7 Q I see. Now in filling out -- tell me what is the  
8 procedure? How do you fill out this report each --  
9 particularly did, did you actually prepare Allegheny Exhibit  
10 21, this report that went in to the FCC for 1991?

11 A No, I did not.

12 Q Who prepared that?

13 A It would be our personnel records which are sent to  
14 the corporate office. And the corporate office would prepare  
15 them and send them I'm sure to our counsel. And when they  
16 came back, we would double-check them and put them in our  
17 file, in the public file.

18 Q Did you discuss with either counsel or corporate or  
19 anyone the classification of officials and managers?

20 A I discussed it with my business manager, and she  
21 discussed it with our personnel or human resources director.  
22 And if she has any questions, she would call me for the  
23 corporate office.

24 Q So is it fair to state that when, in the 1991 report  
25 when five women are put in the officials or managers category,

1 that classification emanated from, from your --

2 A With my approval, correct.

3 Q With your approval --

4 A Right.

5 Q -- from your office.

6 A Correct.

7 (Pause.)

8 MR. BERFIELD: Your Honor, I have another exhibit --  
9 reporter. And Your Honor, I asked that they be marked for  
10 identification as Allegheny Exhibit 22, the FCC instructions  
11 for the filling out of these annual EEO reports. I believe  
12 that would be Allegheny Exhibit 22, Your Honor.

13 (Whereupon, the document referred to  
14 as Allegheny Exhibit No. 22 was  
15 marked for identification.)

16 JUDGE LUTON: That's correct.

17 BY MR. BERFIELD:

18 Q Thank you. Now do you have those instructions in  
19 front of you, Mr. Meyer? I'm -- reference to the first page.

20 A Okay.

21 Q Have you seen those instructions before?

22 A I've seen these instructions before.

23 Q And I wonder if you could indicate to me in the job  
24 categories -- we're now on the first page of the exhibit under  
25 paragraph 7A, officials and managers. And I'll ask you, you

1 would agree with me, would you not, there's no reference in  
2 there to a traffic director as being an official or manager?

3 MR. MILLER: Your Honor, objection. The official  
4 document says what it says. The witness is not here to give  
5 legal conclusions as to whether traffic director fits into any  
6 of these categories. I submit the, the exhibit speaks for  
7 itself without Mr. Meyer's elucidation as to what it means.

8 JUDGE LUTON: The witness was only asked what he saw  
9 with respect to which is it 7A, I believe?

10 MR. BERFIELD: Yeah, that's correct, Your Honor.

11 JUDGE LUTON: Not asked for any interpretation. Not  
12 asked to give any kind of legal conclusion. Was asked to tell  
13 us what he sees there. Overruled.

14 BY MR. BERFIELD:

15 Q The question, Mr. Meyer, do you see the, the traffic  
16 director referred to in that 7A paragraph?

17 A Yeah, I would. I would see under production manager  
18 which is very close to traffic director. I don't see  
19 specifically that term used, but again that's a way of  
20 defining the term.

21 Q Didn't you indicate earlier that what, what this  
22 person was traffic, scheduled commercials?

23 A Yes, but in our corporate schematic, the traffic  
24 director is a managerial person.

25 Q Well, I realize that that's how you've categorized



1 it. And the question is is that a proper classification.

2 That's --

3 MR. ZAUNER: He's arguing with the witness.

4 MR. BERFIELD: No, I'm just trying to explain it to  
5 the witness.

6 JUDGE LUTON: Ask questions.

7 BY MR. BERFIELD:

8 Q It's your, it's your response then that it was  
9 appropriate to, to include a traffic director, because the  
10 traffic director was in effect a production manager? Is that  
11 your answer?

12 A If that's the way we classified it. I would have to  
13 see the original document that went in describing it. I can't  
14 refresh my memory from 1991 how we classified it at that time.  
15 I couldn't -- I could only remember three of the positions.  
16 There obviously are two more, and I'd have to have something  
17 to refresh my memory. I don't have the original form that  
18 went in.

19 Q Well, do you recall during the license term any  
20 discussions with anyone as to classifications in officials and  
21 managers category?

22 A Sure I do. The specifics of that I can't probably  
23 recall. But we have discussion about that.

24 Q And who would those discussions be among, between?

25 A They would be between Mary Ann Pace, the general and

1 administrative person, the business manager, between Linda  
2 Osterday who's our human resources director if needed. And if  
3 further needed, discussion among the department heads at the  
4 radio station.

5 (Pause.)

6 Q Do you recall was there any memorandum or did you  
7 receive any advice from corporate, EZ's corporate headquarters  
8 as to the classification of officials and managers during the  
9 license term?

10 A I don't recall.

11 Q You don't recall whether there was any or you don't,  
12 you don't recall if there was any, or what don't you recall.

13 A I don't recall what you asked if there was any  
14 memorandum from the home office.

15 Q Or any discussion.

16 A Yes. I, I don't recall.

17 (Pause.)

18 Q During the license renewal period, has any minority  
19 held the position of sales manager at WBZZ?

20 A No, just, just women.

21 MR. BERFIELD: Your Honor, I've reached an area  
22 where I'm going to move on to a different area. I am going  
23 to -- I want to move the admission of these various EEO  
24 documents. But I think it might be better to wait until after  
25 lunch until we found out the 1984 so we can do it as a, as a

1 package. So this would be a convenient point for me if --

2 JUDGE LUTON: Maybe it would. Seems to me we slowed  
3 down anyhow. We got a two word answer to a question that took  
4 2 minutes to, to propound. Seems to me we're slowing down.  
5 This would be a good time for us to take a break.

6 MR. BERFIELD: I, I agree, Your Honor.

7 JUDGE LUTON: Will an hour be enough? Hour and 15  
8 minutes?

9 MR. MILLER: Hour and 15 minutes --

10 JUDGE LUTON: All right.

11 MR. MILLER: -- will be better if we're going to go  
12 back to the office --

13 JUDGE LUTON: All right. We'll recess and return at  
14 1:15.

15 MR. BERFIELD: Thank you, Your Honor.

16 (Off the record at 12:00 p.m. to reconvene at 1:15  
17 p.m.)

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A F T E R N O O N   S E S S I O N

1  
2 JUDGE LUTON: Mr. Berfield, you were going to make  
3 an offering --

4 MR. MILLER: Your Honor.

5 JUDGE LUTON: -- of materials? Yes.

6 MR. MILLER: May I make a statement about what we  
7 did during --

8 JUDGE LUTON: Of course.

9 MR. MILLER: -- during the lunch that has to do with  
10 this proceeding?

11 JUDGE LUTON: Certainly.

12 MR. MILLER: We checked with our files at our office  
13 and found the 1984 ownership report which shows 23 employees,  
14 not 11. The copy is before you. That is consistent with EZ  
15 Exhibit No. 3. We checked with the Commission's microfiche,  
16 and it shows the same 1984 EEO report as you have before you  
17 that I put on your desk. We checked with the station, and its  
18 public file has the same EEO report.

19 We could only surmise that the page associated with  
20 Allegheny Exhibit 14 came from a different ownership report.  
21 And the one that we assume that it came from, I don't know  
22 whether you got it, is the EZ headquarters ownership report  
23 and not the one for the station.

24 I furnished the reporter two copies of the 1984 FCC  
25 Form 395 for WBZZ. I provided one to Your Honor and to

1 counsel. And I assume Mr. Berfield will want to do something  
2 with those to correct Allegheny Exhibit 14.

3 MR. BERFIELD: Yes, sir. I appreciate the, the  
4 information. And perhaps the easiest thing to do might be  
5 just to number it Allegheny 14A. Or we can do that, or we can  
6 just submit it in lieu of the original Allegheny 14.  
7 Whichever you think would be clear for the record.

8 MR. MILLER: Your Honor, my preference if I may  
9 speak would be to substitute it for the original originally  
10 offered and received because it's wrong.

11 MR. BERFIELD: I, I have, I have no problem with  
12 that, Your Honor.

13 JUDGE LUTON: Let's substitute then.

14 MR. BERFIELD: Okay.

15 JUDGE LUTON: We've got something else that we're  
16 calling Allegheny Exhibit 14 for identification. Let me just  
17 be clear. What is this something else? Looks like the same  
18 thing to me.

19 MR. MILLER: Yes, sir. If you'll refer to page 3 --

20 JUDGE LUTON: Yeah.

21 MR. MILLER: -- you'll see that the numbers --

22 JUDGE LUTON: Oh, yeah.

23 MR. MILLER: -- our substitute ones are quite  
24 different.

25 JUDGE LUTON: Yes, they are.

1 MR. MILLER: And, and the numbers on the substitute  
2 one are consistent with EZ Exhibit No. 3.

3 JUDGE LUTON: Exhibit 3. Okay. Fourteen then is  
4 changed as we just spoke.

5 MR. MILLER: Thank you, Your Honor. And with that,  
6 with that change I would then move in to evidence Allegheny  
7 Exhibits 14 through 22.

8 JUDGE LUTON: All right. These being the annual  
9 employment reports --

10 MR. BERFIELD: On which it --

11 JUDGE LUTON: -- from which it derives the figures  
12 BZZ Exhibit No. 3.

13 MR. BERFIELD: That's correct.

14 JUDGE LUTON: That we were talking about.

15 MR. BERFIELD: Fourteen and twenty-one are the  
16 underlying reports referring -- the underpinning for Exhibit  
17 No. 3. And Exhibit No. 22 is the Commission's definition of  
18 job categories about which there were some questions from Mr.  
19 Meyer. So I believe that should also go in the record.

20 JUDGE LUTON: That's the instructions for --

21 MR. BERFIELD: Yes. Yes, Your Honor.

22 JUDGE LUTON: -- completion of a form. Any  
23 objection to these, this offering 14 --

24 MR. MILLER: No, Your Honor.

25 JUDGE LUTON: -- through 22.

1 MR. ZAUNER: Yeah, I have an objection, Your Honor.

2 JUDGE LUTON: All right.

3 MR. ZAUNER: First of all, the objection I've had  
4 all along is that this whole matter is irrelevant and that  
5 would carry over --

6 JUDGE LUTON: Oh, now you made that objection when  
7 we had an admission session. The Bureau's going to continue  
8 to make the objection. The Bureau's not going to get to try  
9 the case again. The Bureau's going to participate in the case  
10 as it presently stands, or is it just going to continue to say  
11 that it doesn't --

12 MR. ZAUNER: I just wanted --

13 JUDGE LUTON: -- like what it got.

14 MR. ZAUNER: All I wanted is to make sure I wasn't  
15 waiving any objection. The other objection I have and there's  
16 two objections, two bases for my objection. The second is  
17 that it's duplicate of essentially what's in WBZZ Exhibit No.  
18 3. I don't think there is anything in Exhibits 14 through 21  
19 that is not already contained in the record in this  
20 proceeding.

21 JUDGE LUTON: Well, that is correct, isn't it?  
22 Nobody disagrees with that.

23 MR. BERFIELD: I, I do --

24 JUDGE LUTON: Or do you disagree with that?

25 MR. BERFIELD: No, it has additional information.

1 In other words, they've just given the summary table.  
2 JUDGE LUTON: They meaning --  
3 MR. BERFIELD: I mean --  
4 JUDGE LUTON: -- Exhibit 3.  
5 MR. BERFIELD: Their Exhibit 3, WBZZ EZ Exhibit 3 is  
6 a summary table.  
7 JUDGE LUTON: All right. Whereas --  
8 MR. BERFIELD: And this --  
9 JUDGE LUTON: -- the Exhibits break it down.  
10 They --  
11 MR. BERFIELD: That's correct.  
12 JUDGE LUTON: -- still have these totals in 3 were  
13 arrived at --  
14 MR. BERFIELD: That's right.  
15 JUDGE LUTON: -- where they came from.  
16 MR. BERFIELD: That's correct.  
17 JUDGE LUTON: How they were compiled.  
18 MR. BERFIELD: That's correct.  
19 JUDGE LUTON: Um-hum.  
20 MR. BERFIELD: And it does contain additional  
21 information I think on which findings can be made in, in  
22 conjunction with some of the prior testimony of Mr. Meyer.  
23 JUDGE LUTON: Well, where is the additional  
24 information?  
25 MR. BERFIELD: Well, the additional information is



1 the breakdown, the statistical breakdown. You see they have  
2 just lumped it all together in terms of upper 4 categories  
3 and, and so forth. So this gives you your, your statistical  
4 breakdown by job classification.

5 JUDGE LUTON: And even if it were duplicative, I  
6 wouldn't see it as harmful in any way. The objection is  
7 overruled. And 14 through 22 are received in evidence.

8 (Whereupon, the documents referred to  
9 as Allegheny Exhibits Nos. 14 through  
10 22 were received into evidence.)

11 MR. BERFIELD: Thank you, Your Honor.

12 JUDGE LUTON: You may continue your cross-  
13 examination.

14 MR. BERFIELD: Thank you. Thank you, Your Honor.

15 BY MR. BERFIELD:

16 Q Mr. Meyer, before we broke for lunch we were dealing  
17 with Allegheny Exhibit 21 which was the WBZZ EEO report for  
18 1991.

19 A I have it.

20 Q Do you recall that?

21 A Yes.

22 Q And we were dealing specifically with the category  
23 of the five females listed in the officials and managers. And  
24 I believe you were able to identify three of them, is that --  
25 three positions, is that correct?

1           A     Yes, that is correct.

2           Q     And I was just wondering during the lunch hour have  
3 you had a chance to refresh your recollection as to what those  
4 other two positions might have been?

5           A     Yes. There was a research director, Laurie  
6 Campbell. And there was a promotion director.

7           Q     And what are the duties of the research director?

8           A     Research director conducted all the outside research  
9 that the station did from what we call qualitative research,  
10 music research and strategic call-out research. And had a  
11 staff of four to five people on a daily basis that did that  
12 call-out research.

13          Q     And what were the duties of the promotion director?

14          A     Promotion director would coordinate all promotions  
15 that the station did, everything from remote broadcasts to  
16 scheduling appearances to coming up with ideas for national  
17 clients, advertisers, to tying those all together from a sales  
18 aspect.

19          Q     Thank you.

20               (Pause.)

21          Q     Now I wonder if you would turn your attention to  
22 your rather large exhibit here, Exhibit No. 2.

23               (Pause.)

24          Q     And if you'll look at the bottom of page ii, small  
25 Roman numeral ii, you have a reference there to 4 hours of

1 issue, issue oriented programming each Sunday morning. Do you  
2 see that?

3 A Yes, I do.

4 Q And I'll ask you first of all what were the hours on  
5 Sunday morning in which such programming was broadcast during  
6 the renewal period?

7 A Started at 4 a.m. in the morning, and it concluded  
8 at 8 a.m. with our dialogue program which ran 7 to 8 a.m.

9 Q And that was the case throughout the renewal period?

10 A Yes.

11 Q Thank you. Now starting at the bottom of that page  
12 and continuing on into the next page, and again you're  
13 referencing this Sunday morning programming, and you have a  
14 total figure there, hours of 982.75 hours of programming. Is  
15 that correct?

16 A That's correct.

17 Q Okay. Now --

18 (Pause.)

19 Q -- if you will then turn to in your same Exhibit No.  
20 2 to page no. 6, Roman numeral VI, there begins there, does  
21 there not, a discussion in your exhibit as to the programs  
22 that comprise this Sunday morning programming. Is that  
23 correct?

24 A Correct.

25 Q And on the next page, Roman numeral VII, you refer

1 to the Larry Black program.

2 A Correct.

3 Q Okay. Now -- and I assume that the Larry Black  
4 program has been included in your time computations. Is that  
5 correct?

6 A I'm sure it has, yes.

7 Q Now in your description of the Larry Black program,  
8 you indicate that that program included CHR which would be  
9 what, contemporary hit radio music? Is that what the CHR  
10 stands for?

11 A Yes. Contemporary hit radio.

12 Q Yes. And did your program logs indicate -- well,  
13 first of all, do you know how long the Larry Black program was  
14 in duration?

15 A It wasn't very long. It was only on a very short  
16 period of time, I'm going to say two or three broadcasts.

17 Q Yeah. But was it like a 15-minute program, 30-  
18 minute program, do you recall?

19 A No, it was an hour program.

20 Q Was an hour program. And do you recall whether or  
21 not on your, on your program logs was there any breakdown as  
22 to the amount of time of the Larry Black program, the hour  
23 program, for example, that was spent playing music as opposed  
24 to discussing issues.

25 A No.

1 Q Does your log reflect any breakdown?

2 A No, it would not. Because the music was inclusive  
3 about the discussions on the show as I recall. In other  
4 words, if they were talking about a social issue with a  
5 certain form of music, they would give an example of that  
6 music to describe for example -- I'm going to use an example.  
7 This didn't pertain to the show. Violence in TV, there may  
8 have been a song that depicted violence in TV. And he would  
9 talk about that and then interview the musicians and  
10 songwriters.

11 Q You say that occurred on the Larry Black program or  
12 are you --

13 A I'm using that as an example. I'm not talking about  
14 that specific thing. I'm using that as a hypothetical  
15 example. But if he was talking about family problems, he may  
16 have talked about will it go around in circles, a song by  
17 Billy Preston. I'm using those as examples.

18 Q Well, but it's, it's an example that you don't know  
19 occurred on the Larry Black program, right?

20 A I, I know what the structure of the show was.

21 Q But, but the example you gave you don't, you don't  
22 have firsthand knowledge if that --

23 A No, and I said that. I said I'm just using an  
24 example how he intertwined the music to the discussion on the  
25 show.

1 Q Okay. Now if you would look down at the bottom of  
2 that page, there's a program called On Track produced by the  
3 Southern Baptist Radio TV Commission.

4 A Um-hum. Yes.

5 Q And that's a 30-minute program according to your  
6 description. Is that correct?

7 A Correct.

8 Q And that also included light music, did it not,  
9 under your description?

10 A Yes.

11 Q Okay. And again does, does your program logs or,  
12 indicate any within the 30 minutes how much of that program  
13 was music and how much of it was other material?

14 A No, it did not.

15 Q And then the next program that you mentioned is a  
16 program called Open Door produced by the Presbyterian Church  
17 which apparently included music, poetry and, and prose. Do  
18 your logs show any breakdown for that program as to how much  
19 of the program was music or, and poetry.

20 A No, it does not.

21 Q And then if you -- I would ask you the same question  
22 with respect to the Power Line program, another program  
23 produced by Southern Baptist Radio and TV Commission which  
24 according to your description contained contemporary music to  
25 your logs. Was there any breakdown as to how much of that

1 program was music and how much of it was other material?

2 A No, there was not.

3 Q And with respect to the program listed at the bottom  
4 of your exhibit, the Scan program produced by the Lutheran  
5 church which again according to description plays contemporary  
6 and religious music. I'll ask you the same question. Was  
7 there any breakdown in your log between music and any other  
8 aspects of the program?

9 A No, there was not.

10 Q And I'll ask you the same, the same question with  
11 respect to the program on the next page, Streams in the  
12 Desert. Again, was there any breakdown on your log as music  
13 as other aspects of that program?

14 A No, it was not.

15 Q Okay. Now if you'll look at the next page of your  
16 Exhibit 2, small Roman numeral x, and you'll see for example  
17 you're giving us here a quantification. Under aging you  
18 list -- first of all you list the Scan, and you list the  
19 number of programs, and you list 30 minutes. Is that correct?

20 A Correct.

21 Q And the 30 minutes was the total duration of the  
22 program?

23 A Yes.

24 Q Okay. So is it fair to state that what you did,  
25 these quantifications, that on these programs that contained

1 music as well as other material you counted the full amount,  
2 the full duration of the program in your calculations and  
3 quantifications.

4 A Yes. But I would like to qualify that --

5 Q That just calls for a yes, yes or no answer. Did  
6 you include the total 30 minutes of Scan in your, in your  
7 quantification?

8 A Yes.

9 Q And that's also true with respect to the next item  
10 there, program Streams in the Desert?

11 A Yes.

12 MR. MILLER: Your Honor, the witness expressed a  
13 wish to qualify his answer. May he have that opportunity or,  
14 or need I try to remember that on cross-examination?

15 JUDGE LUTON: You mean on redirect.

16 MR. MILLER: On redirect, yeah.

17 JUDGE LUTON: Do it on redirect.

18 MR. BERFIELD: Thank you, Your Honor.

19 BY MR. BERFIELD:

20 Q Now if you'll turn to the next page of your exhibit  
21 there's a reference to Power Line which is another one of the  
22 Sunday morning programs. And again you included the entire 30  
23 minutes in your calculation. Is that correct?

24 A That is correct.

25 (Pause. Asides.)



1 Q And then on the next page of your exhibit, Roman  
2 numeral XII, down at the bottom there was a program On Track.  
3 Again you included the entirety of the program in your  
4 calculation. Is that correct?

5 A That's correct.

6 Q So that throughout these Sunday morning programs  
7 that contained music as well as other program segments, you  
8 calculated and added in the total amount of the program. Is  
9 that correct?

10 A Yes, that is correct.

11 (Pause.)

12 Q Now of these Sunday morning programs which are  
13 described on Exhibit 2, Roman numeral VI to Roman numeral IX,  
14 the dialogue program on Roman numeral VI was produced by the  
15 station, WBZZ. Is that correct?

16 A Yes, that's correct.

17 Q Okay. Were any of these other programs listed on  
18 these pages, these Sunday morning programs, produced by the  
19 station?

20 A News and weather.

21 Q Okay.

22 A Pittsburgh Opinion. And I think that's it.

23 Q Thank you.

24 (Pause.)

25 Q Now with respect to the remaining programs other